

imprint

AUG 2008

Volume 1 – Number 2

Towards the progressive realisation of children's rights in Kenya



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rights or outrage?”

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This marks the second edition of *Imprint*. *Imprint* is our new quarterly policy brief that aims at exploring various issues surrounding child and human rights by facilitating intellectual discourse that promotes reform of policy, legislation and practice surrounding child rights.

The policy brief seeks to create the platform for discourse on policies, legislation and emerging issues around children's rights with a particular focus on the current affairs and the state of the Kenyan Child but with a global view on matters facing the children. It contains opinions, findings and recommendations of researchers and practitioners working with children in towards rights and development.

The second edition of the policy brief is on the backdrop of the numerous strikes in secondary schools around the country with over 300 strikes reported in June 2008 alone with most of these cases involving destruction of property and loss of life in once case. Many reasons have been advanced by many stakeholders with some blaming the ban on caning/corporal punishment upon the enactment of the Children Act in 2001 while other baling it on drugs, alcoholism, post-election violence and delay in disbursement of Free Secondary education Funds. The situation has prompted action by the government which has seen the formulation of a manual on the safety of students in schools and the appointment of a task-force to look into indiscipline in schools.

The brief seeks to explore the issue of student/school strikes from two perspectives: the root of the prob-

lem and the solution to the same. As part of identifying the root cause of the problem brief seeks to establish whether the unrest was a result of diminished opportunities of participation and feedback within the school systems or just part of the emerging pattern of impunity within the Kenyan society. From a solutions perspective, the brief seeks to explore the various options under debate key being the discourse the proposition to reintroduce corporal punishment in schools or positive parenting.

The brief explores opinion captured from a variety of stakeholders working with children and schools as well as international debate around the corporal punishment and parenting. Compiled by Youth Alive! Kenya staff, the opinions reflect the voices of the various players within the education and the children's rights sector. It explores varying opinion with regards to the various propositions and against the backdrop on national laws of Kenya and international laws of which Kenya is a signatory.

The editors wish to acknowledge the various who shared their opinions and also those institutions and individuals who kindly permitted us to relay their thoughts opinions and appreciate the work that they are doing towards protecting and securing going on to secure the rights of children in Kenya, the wider Africa and the world. It is our humble belief that this publication will stimulate dialogue that will improve the understanding of human rights and its relationship to the development of a tolerant and all-inclusive society enabling the progressive realisation of children's rights.

STRIKES IN SCHOOLS - THE RIGHTS OF STUDENTS

Compiled by Joan Kariuki Youth Alive! Kenya

The recent spate of violence in Kenyan High Schools caught many a school administrator, the Ministry for Education, parents and even some students by surprise. It started with one school and ended up with over 300. One student died, others were injured, many suspended and expelled while others faced criminal charges in court. So what caused this uprising and why now? This article does not promise to give a definite answer to that question but shall instead put forward a series of facts after which the prerogative is the reader's to decide.

Right to riot?

Did the students have a right to riot? Section 80 of the current Kenya Constitution states that "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to

form or belong to trade unions or other associations for the protection of his interests".

Section 79 states that "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence".

The UN Convention on the rights of the Child in Article 12 through to 14 provides for a child's right to participation. Article 12 protects a child's right to express his opinion freely in all matters affecting him and that these views shall be given due weight in

accordance to the age and maturity of the child.

Thus promoting meaningful and quality participation of children and adolescents is essential to ensuring their growth and development. Children have proven that when they are involved, they can make a difference in the world around them. They have ideas, experience and insights that enrich adult understanding and make a positive contribution to adult actions. They have something to say and should be given a chance to be heard.

Granted these rights of association and expression are not absolute. Section 80 says that this right shall be restricted in circumstances where it is reasonably required in the interests of defence, public safety, public order, public morality or public health and for the purpose of protecting the rights or freedoms of other persons.

So do the children have a right to express themselves? Yes but do they have a right to do so in the way that they did? To answer this lets analyze the facts.

Pressure to excel

Anyone who has been through the Kenyan education system knows how high stakes exams are for students. For the majority of students it is an all or nothing affair in order to get into university let alone get the subject matter of your choice. Most cannot afford to leave the country for other options, enrol for the parallel programs offered within the public universities or in private universities. On top of this, college entry points have risen drastically over the years and since admission is pegged on bed space, many lose out even after meeting the required mark. The students as a result have to attend tuition on weekends and on holidays. In addition, many of us grow up with the idea that you had better do well in school or you might end up doing menial jobs - education is EVERYTHING and exams have this air of finality - fail and you are doomed. It is no surprise then that there are high levels of anxiety around the mock exam period. The pressure is even more where the family relies on the one student to escape from poverty.

If you have been in a Kenyan secondary school in the 90s to date you know that there is a prevalent thought running at the back of each student's mind that education shall not really take you anywhere. Students are bombarded by statistics of rising unemployment in the country. The media rarely misses a chance to show one university graduate or the other who is doing some form of manual work despite being a holder of a degree. There is also a fracture between the country's older generation which holds political and economic power and those coming of age at a time of high inflation and unemployment. Here is a student with loads of books to read and under pressure to excel and even if they do excel they are not assured of employment. Yet the rich continue to get richer and this wealth appears to be

the reserve of the older generation.

There is the added factor of the post election violence that took place in the country at the beginning of the year 2008. The students missed out on learning due to the violence and even when some resumed, they were psychologically traumatised by what they had witnessed and also due to the concern for those they had left behind in the areas that remained insecure. Some did not know whether they would find their families where they had left them, whether they would be able to afford fees for the next term. They came back to school to find that some of their friends had not reported and others had passed away. With all this going on they were expected to get back to the swing of things and pass their exams. The stress is enough to make anyone break. Sooner or later these frustrations had to have an outlet.

Absence of parental guidance - the boarding school system

In Kenya, boarding schools tend to perform better. As a consequence many parents tend to scrimp and save to send their children to boarding schools to ensure that they excel in their studies. The conditions in these boarding schools may be horrible but that is not an argument that the child is allowed to raise.

Apart from this, some parents have used the boarding school system to relegate the duty of parenting children to the teachers. There are instances of children being sent to boarding schools at the tender age of six. These children barely relate to their parents. During the holiday they are again shipped off to one form of tuition or the other. The only time that the parents show up at the schools is to reprimand the teachers for disciplining their children even when this did not involve any form of corporal punishment. Teachers then fall back taking a "hands off" approach. What results is a situation where children have no parental figure and end up being raised by older fellow students.

Sara Cameron, Communications Chief at UNICEF, Nairobi termed that a "Lord of the Flies situation" referring to the novel about British schoolboys stranded alone on an island with no adult supervision who degenerate into savagery.

Bullying

It is no secret that bullying is prevalent in high schools in Kenya especially in boy schools. It has become so common that it's accepted by the student populace as a rite of passage while the administrators in some cases have turned a blind eye to it. Bullying frequently involves teasing and social exclusion, physical violence, threats, theft, sexual and ethnic harassment, public humiliation and destruction of the targeted student's property.

The consequences of bullying are far reaching ranging from lower class attendance and academic

performance to increased incidences of violence and juvenile crime. Children who bully are more likely to become violent adults, while victims suffer from anxiety, low self esteem and depression well into adulthood. Even those not directly involved are affected. Those who witness bullying regularly suffer from a less secure learning environment, the fear that the bully may target them next and that teachers and other adults are either unable or unwilling to control bullies' behaviour.

Channels of communication - The prefect system

The most diplomatic and democratic way to handle conflict would be through positive communication but for this to happen there has to be an effective channel of communication. Some of the students questioned on the school unrest said that there was no channel to communicate their grievances. One of the channels put in place both to ensure discipline among the students and to provide a link between the students and the school administrators is the prefect system. It is important then to look at how the prefect system works at some schools.

The prefect system is one aspect that has been said to be contravening democratic values. One writer suggested that, *"The way in which prefects are appointed establishes the style in which they perform their duties. If a prefect is appointed by the headmaster, he will naturally look immediately to the head as his source of authority...consequently he will tend to be regarded as a rather remote and authoritarian figure"* (Ongead- Thomas 1972:84)

The prefect system reinforces the bureaucratic nature of the school. Prefects are given some power to enforce their authority; they have special privileges and in many instances wear different uniforms in part or in whole to distinguish them from the rest of the student population. More often than not, the prefects abuse their power. Since they feel that their duty is to serve the administrators and not the general student populace they act in ways to please the administrators and do not care to listen to what the students have to say. They do not communicate the students' grievances to the administrators and in most cases have created such a cloak of fear around them that the students do not feel that they can communicate their issues to them. They do not provide the students with a better idea of what is happening in their schools either. For a channel of communication the prefect system in many instances fails miserably. Case in point is the Nyeri High School incident in 1998 where four prefects were burnt to death by their fellow students. The students said that the prefects had too much power which they tended to abuse.

The administration

With the prefect system being an imperfect channel of communication, the other option is direct communication to the administrators. It has been argued and rightly so that most schools tend towards a model of authoritarian bureaucracy with decisions

being made by a few people at the top of the hierarchy and then executed down the chain of command. Students are expected to obey with no questions asked. Grievances are ignored or the subject punished for raising the issue. Physical punishment is freely meted out by teachers and senior students. Lessons are very much teacher-centred with little student participation. The overall result is an experience that encourages dependence and passivity rather than independence and self-discipline. (Sifuna 2000:224)

The education system in many countries operates on the premise that the best way to educate its youth is to reduce them to the level of docility. The authoritarian structure of schools naturally inculcates fear in students and rewards blind obedience to authority. Consequently, any attempts by students to have a say in the running of schools is viewed with great disapproval and in some cases punishment. In Kenya as in many English-speaking countries, school heads and boards of governors of secondary schools are vested with arbitrary powers to suspend and expel students without being given opportunity to be heard (Republic of Kenya 1972). In such a situation, the students are not likely to question teacher's authority as it might mean being deprived of secondary education. As opportunities for secondary education are limited, not many parents will encourage their children to defy or question school authority. There are times, however, when students feel they cannot tolerate the humiliation and oppressive nature of their school authority. When this point is reached, the students will revolt regardless of the consequences of the action. The violent reaction of students in such a situation is the result of the authoritarian conditions they have to deal with (Kinyanjui 1975:23).

Alternative channels of communication

With no existent mode of communicating their grievances then the students naturally seek out an alternative. The student riots happened in the year June 2008 just 5 months after the post-election violence. The students not only witnessed gruesome scenes of rape, rampage and murder but some were actually part of the rioting crowds who took part in burning houses, looting property, raping and in some cases murder. In addition, the country has developed a striking culture over the last few years. Teachers have gone on strike and so have university lecturers. The example was set for them by their parents and elders. They were encouraged to act out aggressively to make their voices heard. As Birgithe Lund-Henriksen, Chief of Child Protection, UNICEF- Nairobi said, *"In a sense they are blaming children for their own behaviour. These kids saw appalling violence. They're traumatised. You try to hold it in, but it needs to come out one way or another. Now they are reflecting the behaviour of the adults."*

In a situation where the administrators fail to listen, the prefects abuse their powers and parental guidance is non-existent, it should really not come as a

surprise to anyone that the only way that the students knew they could be heard was by rioting.

Student rights

The school as a bureaucratic institution runs on written rules. The duty of the students to obey these rules is constantly stressed, no questions asked. Student rights are very much a minor concern, if indeed they are of any concern at all in most schools. No one thinks to ask what problems the students may have or explain a change effectuated in the school. The students are only expected to conform and complaints are met with high-handed authoritarianism. Many of the school strikes are not the underlying cause but rather the spark which reflects deeper feelings of malaise and frustration. The essence of the problem then lies in communication.

The lack of effective communication comes with an attempt to operate a bureaucratic organisation in a

setting where congruent norms of behaviour are not sufficiently developed. Attempts to improve communication, such as bulletins, assemblies, suggestion boxes, school magazines and even school councils (King 1973:141) are quite welcome, since they are designed to make the bureaucratic machinery run more efficiently. They should not, however, be confused with inculcating democratic norms or pupil participation in school decision-making. (Sifuna 2000:227)

Currently there is a unidirectional flow of orders and communication and no corresponding channels for the students to communicate with their teachers and the school head. In truth schools by their bureaucratic nature and operation are not likely to instil democratic ideals in the students. So the question of whether the students had the right to riot as they did shall be answered by another question, what other choice did they have?

OUTRAGE - A NOXIOUS COCKTAIL OF PERSONAL TRAITS AND POOR SOCIALISATION

Compiled by Sheila Chelimo

Defining aggression

Whenever one person intentionally tries to harm another, it is an act of aggression. If you have ever been viciously teased, threatened, or bullied by another person, you are well aware of how devastating such aggressive behaviour can be. It is however important to distinguish between assertiveness and aggressiveness. Assertive can be defined as "behaviour that stands up for one's rights without denying rights of others" while Aggressive refers to "a behaviour that insists on one's own rights while denying the rights of other". Being aggressive and being assertive are often confused because of different points of view. Being assertive can be healthy and positive, but being aggressive definitely is not. Aggressive behaviour among teens can take many different forms:

- Physical aggression includes such behaviours as pushing, shoving, hitting, slapping, biting, kicking, hair-pulling, stabbing, shooting, rape and burning of property.
- Verbal aggression includes threatening and intimidating others and engaging in malicious teasing, taunting, and name-calling.
- Indirect aggression includes such behaviours as gossiping, spreading cruel rumours, and encouraging others to reject or exclude someone.

Understanding teen rage

Outrage and aggression are two related words which can be used interchangeably in reference to the emotions that individuals encounter in the quest of living. By the virtue that we are human beings we at one point or another feel like hitting back at someone or something that blocks us from reaching our goals. This blockage results in negative feelings

that are manifested and displayed as frustration. Once frustrated, individuals may react in variety of ways; it is this venting out or expression of the negative feelings that is crucial in the social existence of an individual. The goals can either be individual or communal goals and can be as varied as the individual personalities and groups. Displays of frustration may be observed in the whole span of the human developmental stages from infancy to late adulthood. For instance when a child tries to learn to walk, they master up energy and press forward to make the first steps. However, as have to fall down many times before mastering the art of walking. These children obviously feel some form of frustration which they express by crying. As they proceed to develop into toddlers, the children will 'throw tantrums' or be verbally aggressive as soon as a parent refuses to get them whatever they need (this is usually displayed in the supermarkets). The manner in which a parent reacts to this display of frustration will mould the child to either reinforce the behaviour or extinct it. In mid-childhood children learn to be independent and autonomous hence they hangout with friends at school and in the neighbourhood. Traits of aggression can easily be picked out in children's behaviour at this stage; they could be passively or actively aggressive. The latter is slightly difficult to assess because such children would generally be perceived as polite and non-troublesome because their actions are subtle however the former are easily picked out as troublesome and violent. They express their frustration through fights while the passive aggressive will subtly hurt their opponent yet not be directly linked with the damage caused. As the children proceed into teen age, if untamed the same traits will follow them. The cause of this aggressive behaviour could be attributed to lack of life skills that are essential to children as well as adults in reso-

ving conflicts and frustration; these skills are usually acquired through the process of socialisation. They include negotiation skills, dialogue, flexibility, communication, open-mindedness, conflict resolution, self control and self awareness among others. However it is important to note that the aggression observed among teenagers may be caused by multiple factors.

While aggressive behaviour is most common during the infant and toddler years, the most dangerous aggression occurs during the late teen years and in early adulthood. Most children become less aggressive as they mature and develop more effective self-control, language and interpersonal skills. A few continue to be highly aggressive as they move into their late childhood, getting into fights and bullying other children. These children are much more likely than other children to become involved in serious violence during their teenage years and to continue that violence into adulthood. It is important to realise, however, that most aggressive children do not go on to engage in serious violence as teens and adults. And teens with no history of aggression as children can become aggressive and violent during their teenage years, often as they begin to spend time with other teens who are involved in antisocial activities and involvement in serious violence e.g. aggravated assault, robbery, gang fights, and rape. For boys, serious violence and aggression appear to peak during the late teen years or in early adulthood and then decrease with age. Serious aggression peaks earlier in teenage girls. Teens that are aggressive are often engaged in a number of other behaviours that put them at risk, including substance abuse, early and risky sexual activity, and delinquency

Causes of teen aggression

"Youth are heated by nature as drunken men by wine". – Aristotle

"Youth are inclined to contradict their parents and tyrannise their teachers"- Socrates

Aggressive tendencies may generally be attributed to internal factors and external factors. The internal factors are the thoughts, personality traits and the individual's psychological state while external factors are the environmental factors; basically the surrounding of the individual that is, the impact of social influence on the individual.

Internal factors

Personality disorders refer to a wide array of psychological disturbances characterised by lifelong maladaptive patterns such as inability to establish meaningful relationships with other people as they are unable to assume social responsibilities and are unable to adapt to their social environment. Of particular interest is the antisocial personality disorder which may be attributed to aggression in teenagers. Also referred to as psychopaths/sociopaths, these individuals are intelligent and usually get away with destructive behaviours. These adolescents if caught will spin a fantastic lie or simply insist with wide-eyed

sincerity that they are innocent; they lack guilt and anxiety. Such adolescents will easily engage in risky behaviours like substance abuse. Personality disorders combined with drugs and peer pressure is a catalytic concoction to delinquent and destructive acts.

The development of the disorder could be attributed to faulty nervous system, an imitation of anti-social behaviours in the socialisation process or just lack discipline or inconsistent discipline during childhood. If undetected a child who may be in need of psychiatric/psychological attention could easily be labelled. The labelling will aggravate the manifestation of the behaviour that the child is presumed to be, commonly referred to as self-fulfilling prophesy. Therefore they may engage in delinquent acts such as theft, truancy, or within this context in the planning school strikes as observed in the recent past in the high school riots. This is because the teens have embraced the label of being delinquent.

During this period of adolescence several changes are experienced within the children. This is inclusive of the physical and the psychological changes. Other psychological factors that the adolescents have to overcome during this period are internalising problems such as anxiety, insecurity and depression that comes with the changes. Some psychologist have characterised this period as time of '**stress and storm**'. In a research carried out by Buchanan et al (1990) it was discovered that the majority of parents and teachers agreed with the statements such as "early adolescence is a difficult time of life for children and their parents/teachers". The idea of adolescent storm and stress is not widely accepted by all psychologists. However research indicates that though it is not cross-cutting in all children in different societies, it is common among the middle class children. In the Kenyan setting this can be verified by looking back through the history of school strikes; the schools that went on strike are actually middle class school. The elements that are characteristic of this 'difficult ' period are:

a) *Conflict with parents:* Adolescents have a tendency to be rebellious and to resist adult authority. In particular, adolescence is a time when conflict with parents is especially high.

b) *Mood disruptions:* Adolescents tend to be more volatile emotionally than either children or adults. They experience more extremes of mood and more swings of mood from one extreme to the other. They also experience more frequent episodes of depressed mood.

c) *Risk behaviours:* Adolescents have higher rates of reckless, norm-breaking, and antisocial behaviour than either children or adults. Adolescents are more likely to cause disruptions of the social order and to engage in behaviour that carries the potential for harm to themselves and/or the people around them.

The period of adolescence is also marked by what is referred to as invincibility fable, they have false belief that they are invincible and there is nothing greater than them. Due to this fable they engage in any activities no matter how perilous it may be. They would dare to do the most dangerous stunts because of the self believe that no harm can befall them. This state of the mind that is characteristic of the adolescence period can also be the cause to some aggressive tendencies. For instance if dared to burn the school laboratory the adolescent would willingly do this yet not reasoning or taking a moment to critically analyze the repercussions of his actions. This situation may be compounded further by dislike for the subject or the teacher. The emotions take control and the teenager sets ablaze the laboratory and this action is viewed as heroic by his peers hence it is reinforced.

External factors

Mob/crowd psychology is a branch of social psychology which explores collective mass action and the evasion of responsibility. Ordinary people can typically gain direct power by acting collectively. Historically, because large groups of people have been able to affect dramatic and sudden social change in a manner that bypasses established due process, they have also provoked controversy. In Kenya's post election violence, a sample of the population reacted through aggression by burning, killing and destroying property. Despite the losses, the process resulted in a power-sharing agreement with only a few people being held responsible for the damage caused. In the same manner the adolescents vicariously learnt and took to burning down their school premises because apparently this channel of action yields 'results' without individual responsibility.

Home environment

Some characteristics of the home environment can increase the risk that a child will eventually display aggressive behaviour. Children and teens who come from homes where parents are coercive or manipulative with their children, provide little emotional support, do not monitor their activities, or have little involvement in their lives are at greater risk for engaging in aggressive behaviour. Additionally, the use of harsh punishments or inconsistent discipline has been shown to be related to aggressive behaviour in children. If preliminary investigations were to be carried out a majority of the population of the adolescents who engaged in the schools strikes will fall in one or more of the categories stated above. Parenting is vital in the process of adolescent development. The inadequacy or lack of it leads to development of antisocial traits among the adolescent as seen in the recent outrage among high schools students.

Exposure to media violence

Influence of media to violence may seem like cliché but the truth of the matter is - children learn through observation. The esteem that is accorded to perso-

nalities who are violent, aggressive and destructive appeals to the adolescents because they would want to be held in high esteem by their peers. This mismatch of violence and heroism misinforms the teenagers who then imitate their heroes. The case is made worse because these negative actions as portrayed in the media go unpunished. There is now solid evidence to suggest a relationship between aggressive behaviour and exposure to violent television and movies. Researchers have found that children are more physically and verbally aggressive immediately after watching violent television and movies. It is also clear that aggressive children and teens watch more violent television than their less aggressive peers. With the premise of such findings then it will not be wrong to theorise that the Kenyan students were re-playing what they had viewed in the media earlier in the year as the post election violence unfolded.

School environment

The culture of the school can dampen or exacerbate the aggressive tendencies in the students. The school environment needs to be configured in a manner that will reduce outburst of rage and aggression. The administrators should find a means of ensuring that students have a channel of airing their grievances in a democratic and fair manner. The establishment of a sense of belonging to the schools should be of priority such that students perceive that their opinions are welcome. Also, frequent interactions to gauge perception of the fairness in school disciplinary actions and policies should be carried out prior to the students' reaction to perceived unfairness in the school policies.

Teaching strategies and the educational syllabus that are inflexible and boring would lead to difficulties in the education of students and this may agitate repulsion of the system. In addition it is also important to note that the prolonged duration of being in a boarding facility would also lead to stress among the teenagers who may need a break.

Do's when dealing with teen aggression

- Talk to your teen about dealing with perceived injustices in a constructive manner
- Students should be encouraged to avoid alcohol and drugs for there is a strong link between these and aggression
- Parents and teachers should teach the teenagers to be more assertive as opposed to being aggressive; consequently encourage and reward positive behaviour
- Parents and guardians should provide for a positive home environment for the development of adolescents
- Teachers and parents should understand teenager's anger and realize that life with teenagers is an emotional roller coaster; hence they need to respond constructively to outbursts of anger.
- Students, parents, guardians and teachers should learn about ways to resolve arguments and conflicts without resorting to aggression.

Don'ts when dealing with teen aggression

- Adults should not respond to aggression with aggression but should model appropriate behaviour that the adolescence may imitate.
- Teachers and parents should not shut out the opinions of adolescents but should allow them participate in the decisions that affect their lives
- Teenagers should not be wholly blamed for the aggressive acts but they social as well as psychological factors should be sought to explain their behaviour.

Recommended Practices for educationists and relevant policy makers

Adolescence is a period of difficulty for both the teenagers and the relevant care givers. Special attention should be accorded to them for they experience significant changes both physical and psychological. In as much as the institutions can afford they should hire a psychologist who will counsel the students.

INTRODUCING CORPORAL PUNISHMENT IN SCHOOLS – RECOMMENDING A SOLUTION OR AGGRAVATING THE PROBLEM?

Compiled by Waihaki Muthuri

Since the strikes in schools hit the limelight in Kenya, there has been intense talk around reintroducing corporal punishment (under the guise of caning) back to schools. Many proponents have argued that the unrest and by extension indiscipline in schools has been contributed to mainly by the ban on caning that came with the enactment of the various legislations around corporal punishment in Kenya. To this end there have been numerous calls by educationists and parents to restore caning and corporal punishment in schools and at home. On the other hand have been heightened voices by child rights activists against the introduction of corporal punishment.

This article seeks to explore the truth behind corporal punishment and to bring clarity of the difference between punishment and discipline. It also seeks to explore the various myths around corporal punishment that have been advanced over the years and to bring to light the effects of long-term psychological effects of corporal punishment on children and what the Kenyan law says about this contentious issue.

What is Corporal Punishment?

Corporal punishment refers to physical as well as humiliating or degrading forms of punishment. Physical punishment is a deliberate act that causes pain or physical discomfort in order to punish someone. Corporal or physical punishment can take many forms including hitting with a hand or an object (such as cane, belt, whip, shoe, or ruler), slapping, kicking, shaking, burning, pinching or pulling hair, forcing someone to stand in an uncomfortable or undignified position, denying food, shelter or forcing one to do excessive exercise. These forms of punishment often leave the person with bruises

Classroom teachers should ideally not be at the same time the counsellor for the students. During this period of the teenagers are struggling with identity issues, academic issues, developmental changes hence they need a professional to help them go through this phase successfully. The need is much more in this age whereby parents have left the TV sets and the boarding school to raise their children for them. Secondly schools should accord the students their right to participation and good governance in the administration of the schools to alleviate perceptions of unfairness that may result in retaliation of the schools systems through strikes and vandalizing of the school property. Thirdly parents should strive to raise up their children and provide a good home environment that does not foster aggression. Lastly when teenagers act in a manner that we may consider deviant as a society we need to look into ourselves just in case the teenagers are reflecting back what they are seeing.

and cuts or in worse scenarios even internal injuries, disabled or even dead.

Humiliating or degrading punishment takes different forms such as verbal abuse, ridicule, isolation, or ignoring the person. These strategies, based on humiliation and the removal of self respect are not effective alternatives to physical punishment as some young people who are stripped of their self respect and self esteem become violent, others become sad or withdrawn.

Many mistakenly equate punishment with discipline. Disciplined behaviour means ways of behaving that show respect and responsibility. Self-discipline means achieving disciplined behaviour through one's own efforts rather than through an external monitoring force. Punishment does not promote self discipline, it only stops behaviour for that moment. Punishment may fulfil a short-term goal, but actually interferes with the accomplishment of the long-term goal of self control.

Common arguments "justifying" corporal punishment***"Corporal punishment is part of our culture, religion and traditions"***

People are entitled to freedom of religious expression only insofar as the practice of their religion does not infringe on human rights.

Sayings that affirm peaceful solutions and kindly forms of raising children can be found in equal measure to punitive sayings in all religious scriptures, and in every faith there will be prominent leaders who condemn all violence against children. We need to accept that there are a number of discrimi-

natory practices that might hide behind culture and religion. These practices could include the oppression of women and the beating of children. It should be noted that history has shown that culture is not frozen in time; it changes constantly and reflects the human values that grow through time.

"I was hit when I was a child – it did me no harm. If it were not for my parents and teachers physically punishing me, I would not be here today."

There are many examples of individuals who were not hit as children who later became great successes, as well as even more examples of individuals who were hit who failed to fulfil their potential later in life. Corporal punishment does not affect everyone in the same way. Some people are more resilient and others are more sensitive. For those who are more sensitive, research has shown that corporal punishment causes long-term emotional scars. Corporal punishment is also directly linked to future violent behaviour. But, like all areas of human behaviour, it does not cause this in all people.

"Schools need corporal punishment as a last resort against difficult children – a deterrent to discourage bad behaviour and encourage good work."

This view claims that while corporal punishment may not be good for "normal" children, it is a necessary strategy for "difficult children". The problem with this argument is that the very children who make you "tear your hair out" are the ones who show worse long-term impact from corporal punishment. Quite often these children's disruptive behaviour is a sign of other serious problems, perhaps at home. While corporal punishment is seen as a "quick fix" it does not get to the root of the problem and does not solve it for all time. It does not work as a deterrent – most often the same children are beaten for the same offences over and over again. Some children even boast about it – wearing it as band of courage among their peers as the children focus on the beating and not the reason behind the beating.

"Corporal punishment is a minor issue compared to issues of survival and many fundamental rights of children that are violated all the time"

Ending corporal punishment should form a part of the wider struggle to realise equally important rights. Just as challenging as violence against women has been a central part of equality, so it is with children. Challenging corporal punishment is important to improving their position as people and asserting their rights to participation as well as protection.

Effects of corporal punishment on children

Physical consequences

The consequences of physical punishment can range from physical pain, minor cuts and bruises to serious injuries resulting in chronic disability. Accumulated research supports the theory that physical and humiliating punishment in an ineffective discipline strategy for children. One of the concerns is that effectiveness of punishment decreases with use, so its severity must be systematically increased. As they

become desensitised, to what they are doing and are frustrated by the diminishing returns, parents, teachers and other caregivers may move from light slaps to hard blows. As a result, children may suffer injuries that need medical attention, leave permanent damage or even cause their death.

Psychosocial consequences

Although the physical consequences are more immediate and obvious, it is the longer-term psychosocial aspects which give rise to most concern. No matter what their age, children developing minds are damaged by violent treatment. There is a new relationship between and humiliating punishment and depression, low self-esteem negative psychological adjustment and poor relationships with parents. The following list provides an indication of some of the better understood psychosocial effects of physical and/or humiliating punishment on children.

- It lowers children's self-esteem, teaching them poor self-control and promoting negative expectations of themselves.

- It interferes with the learning process and with their cognitive, sensory and emotional development.

- Children frequently cite physical and humiliating punishment as a reason for dropping out of school.

- It discouraged use of reasoning. By precluding dialogues and reflection, it hampers the capacity to understand the relationship between behaviour and its consequences. It makes children feel lonely, sad and abandoned, diminished their confidence in society as a protective environment. It promotes negative view of other people and of society as a threatening place.

- It creates barriers that impede parent-child communication and damages the emotional links established between them. Physical and humiliating punishment erodes the trust between a parent and a child and increases the risk of child abuse.

- It teaches children to love with violence. The very people who are supposed to love them are also hurting them, and this can generate an assumption that violence is both possible and normal in a loving relationship.

- It can stimulate anger and for some a desire to run away from home or school.

- The strongest, usually unintended message is that physical and humiliating punishment sends to the mind of the child is that violence is acceptable behaviour, and that it is alright for a stronger person to use force to coerce a weaker one.

- Violence begets violence. It teaches violence and revenge as solutions to problems, and it perpetuates itself, as children imitate what they see adults doing. Childhood victimisation of boys and girls is predictive of later antisocial personality disorder, criminality and violence. Children who are exposed to high levels of violence while they are growing up are more likely to use violence to solve problems when they are older (Porteus et al, 2001). Physical and humiliating punishment most often produces in its victims, anger, resentment and low self esteem.

- Children who have been subjected to punishment may manifest difficulties with social integration.

- It does not teach children to co-operate with authority; it teaches them to comply with the rulers or to infringe them.

Taking firm steps against corporal punishment

The overarching legal instrument in providing for children's rights is the United Nations Convention on the Rights of the Child (UNCRC). Of particular significance to the issue of corporal punishment is article 19(1) which the Committee on the Rights of the Child has interpreted to call for a complete prohibition of all forms of corporal punishment on children. Similarly on a regional level, the African Charter on the Rights and Welfare of the Child also contains a provision that relates to the protection of children against child abuse, torture and inhuman and degrading treatment.

In Kenya, many laws and legal frameworks provided for corporal punishment. These included but not limited to the Penal Code, the Borstal Institutions Act as well as the Prisons Act. However with the enactment of the Children Act 2001, Section 13(1) entitled a child to protection from physical and psychological abuse, indirectly outlawing any forms of corporal punishment. With the enactment of the Criminal Law Amendment Act in 2003, all forms of corporal punishment were outlawed in Kenya.

It is therefore incumbent upon policy-makers, practitioners and the community at large to ensure that children are protected from both the short-term physical effects as well as the long-term psychological impacts of corporal punishment in Kenya.

PARENTING AT ITS BEST FOR STUDENTS

Compiled by Dinah Wairimu

Different people have different ways of defining what parenting is. There are many ways to parent a child whether positive or negative. Most parents bring up their children the way they were brought up by their own parents. Others may read books or talk to other people with children. Parents around the world have a hard time bringing up children especially at the adolescent age. At this time the teenagers are rebelling and the parents may be going through mid life crisis which causes conflict between the two and they parents may not know how to handle the situation.

The second term of school in the Kenyan system (May – July 200), a significant number of secondary schools went on strike in different parts of the country. Reasons given by the students included the stress caused by mock examinations, post election violence among others. The parents when questioned expressed surprise and ignorance saying they did not understand what was going on with their children.

Owing to the pressures of modern life, most parents do not play a major part in the upbringing of their children. This results from back to career demands that do not allow most parents to spend time at home. Also owing to this stress many parents adopt parenting styles that save them from the toil of being part of the life of the growing child.

Parenting Styles

These are the strategies or ways that parents use in bringing up their child. It is important to understand how different parents bring up their children in order to view the outcomes which usually present themselves in the adolescence stage.

If you know which style you fall in you can adjust to the most recommended style in order to better the relationship with your adolescent and understand them better. There are four major styles in which par-

ents use to bring up their children.

Authoritarian

This parent is firm and in control of everything. He commands his/her children on what they are meant to do and is critical if the child doesn't do what they are told to do. They have strict rules and regulations which are not explained to the children at all. If broken the child may be hit or given odd jobs to do in form of punishment. They keep order and make the child obey them without showing any warmth or affection for the child.

There are two outcomes of such parenting the first one, when the child grows up they cannot think for themselves and cannot make their own choices. They become socially withdrawn and follow the decisions of others or depend on them to say what is the right or best thing to do. The second one is that the child may be a total hard head and rebel by not obeying their parents and start taking drugs and alcohol. They may also leave school and run away from home. This style mismatches a rapidly changing society which values choice and innovation. Rebellion often results from strict punishment. Spanking, which models violence as a solution to problems, is contradictory in a society which claims to value peaceful solutions. And children raised to follow the "expert" easily copy anyone, including undesirable peers.

Authoritative/Democratic

This parent helps their children to be responsible for their behaviour and think of the consequences of that behaviour. They provide clear and responsible expectations for their children and show warmth and enough loving affection for their children. When they are punishing a child they will explain the meaning of the rules and why they are being punished which is usually reasonable. They reinforce good behaviour and don't dwell on the negative

things that their child does. They encourage their children to be independent and are not controlling.

The outcome of this parenting is that the child will be able to discuss what they do with their parents openly and share their own ideas. They will give their opinions and the parents will be able to know what the child is thinking of. When they are with their friends they will think about their choices and the consequences before acting on them. This parenting style is the one that is recommended by most experts

Permissive/ Laissez Faire

In this style the child is in control of everything. The parent typically spoils the child. The parents hardly have any rules, boundaries or expectations for their children because they want the child to feel free. As a result there is no punishment for the child if they do something wrong. They accept whatever the child does with love and care. They are nurturing and accepting but don't demand a lot from their children. The child is given as many choices as possible whether good or bad. They want to be as happy as possible and will do anything as long as the child requests. They may do this because they may fear that the child will rebel against them because of being too strict.

As a result of this parenting the child are incapable of controlling their desires and don't accept responsibility for their own actions. They may feel unable to change misbehaviour, or they choose not to get involved. They don't have self control and they may blame someone else when they are in trouble. Inadequate emotional regulation makes them immature and impedes friendships. They tend to live and remain close to where they grew up, still dependent, in early adulthood on their parents.

Neglecting

This parent doesn't care much about this child. They are usually not involved in the child's life but may provide the basic requirements for the child. Many times children will grow up feeling resentment against their parents for being neglectful and often might be estranged from them into adulthood.

Critical parenting skills

The skills parents bring to the job of being a parent also have a major role to play, and we now know that children benefit when their parents:

- Are able to understand and explain the actions that their children are involved for example when they are in a fight or an incident
- Establish regular routines that the children can follow
- Stay informed about what their children are seeing and doing and provide an open atmosphere that encourages communication

Positive parenting

Some people may ask what the best way to parent a child is. There is no real answer for this there are just opinions shared by various experts on ways of parenting. Although most people recommend the authoritative style of parenting most parents should be able to inter relate the styles and not lean too much on one side alone. In this way children will have self discipline, emotional control, more friends and better school performance. Children in the society today have become more intelligent and aware about the things that are happening around them. Most children interact with others and experiment on different things that may bring conflict to the family. Parents need to be acquainted with knowledge on how to handle these situations. Positive parenting is one way in which parents can help and understand their children and not push them away.

A positive parent is:

Loving. Parents must be warm and nurturing, and show unconditional love for their children to flourish. This kind of love is based on listening for and responding sensitively to each child's needs and showing empathy with and respect for each child.

Understanding of each child's temperament and is able to build on the strengths of each child's nature, yet be flexible as time and circumstances dictate.

Reasonable. A reasonable positive parent is consistent and predictable. He or she sets and communicates clear limits and expectations and constructs consequences for irresponsible behaviour that are natural and reasonable, but not punitive.

Protective. Parents must be actively involved with each child and provide not only a physically safe environment, but also an emotionally safe atmosphere where children can experiment with emotions, relationships and ideas

An accomplished teacher. Each parent, in his or her own style and manner, provides opportunities for each child to learn in an atmosphere of acceptance, encouragement and with expectations of success. Positive parents offer each child choices and encourage children to learn to solve problems and make decisions.

An excellent model. To be an excellent model, parents must know themselves – both internally, regarding their emotions, values and beliefs, and how they appear to others in the family, on the job and in their community.

Positive discipline

Discipline is helping children develop self-control. It is setting limits and correcting misbehaviour. Discipline also is encouraging children, guiding them, helping them feel good about themselves, and teaching them how to think for themselves. It should help children learn how to control their own behaviour.

Spanking as a form of discipline

Spanking is used to directly control children's behaviour. It does not teach children how to change what they do, as good discipline should. It may seem easy at the time but older children who are hit often learn to solve problems by hitting others. Many parents notice that after a spanking, children may settle down for a while, but pretty soon they start misbehaving again. Spanking can teach children to be afraid of the adult in charge. Good discipline teaches children to respect the adult in charge. Respect goes both ways- treat children with respect and let them have some control, and they will respect you and listen to you. It can make children afraid to misbehave, but probably only when you are watching. Children need to learn to control their own behaviour even when you are not around to watch them. Spanking can be dangerous. You can never tell how badly hurt the child will be if you lose control. Children do not need to be hit in order to learn how to behave

Methods of Discipline that Promote Self-Worth

- Show that you recognize and accept the reason the child is doing what, in your judgment, is the wrong thing. This validates the legitimacy of the child's desires and illustrates that you are an understanding person. It also is honest from the outset: The adult is wiser, in charge, not afraid to be the leader, and occasionally has priorities other than those of the child.

- Offer to come to a solution in place of criticism.
- Often, it's helpful to say something indicating your confidence in the child's ability and willingness to learn: This affirms your faith in the child, lets her know that you assume she has the capacity to grow and mature, and transmits your belief in her good intentions.
- In some situations, after firmly stating what is not to be done, you can demonstrate how we do it, or a better way which sets firm limits, yet helps the child feel that you two are a team, not enemies.
- Avoid accusation but communicate in respectful tones and words. This prevents a lowering of the child's self-image and promotes his tendency to cooperate.

The policy brief is a project component under the Youth Alive! Kenya Justice & Human Rights Programme (JHR). JHR seeks to ensure access to justice by the most vulnerable and most marginalised and to promote the respect for and the protection of human rights in Kenya.

The programme has specialised projects that aid in realisation of the above objectives. One of these projects is the Juvenile Justice Project that seeks to promote an effective juvenile justice system in Kenya bent on restoration of young offenders by improving the quality of rehabilitation provided by government institutions while strengthening community capacity and linkages to support reintegration of discharged child offenders. The project operates in the districts of Nairobi and Kisumu and is implemented in partnership with the Department of Children Services of the Ministry of Gender & Children Affairs.

As part of this process, the project works to foster development of appropriate laws, policies and practices concerning children and the justice system in Kenya and in this end one of the mechanisms adopted for the actualisation of the above is the use of quarterly briefs that will facilitate dialogue and promote reform of policy, legislation and practice around children's rights.

This publication was made possible by the generous funding of the Finnish NGO Foundation for Human Rights (KIOS).

Published by Youth Alive! Kenya

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Harmful, Negative Disciplinary Methods

Criticizing, discouraging, creating obstacles and barriers, blaming, shaming, using sarcastic or cruel humour, or using physical punishment are some negative disciplinary methods used with young children. Often saying, "Stop doing that!", "Don't do it that way!" or "Don't talk to..." is harmful to children's self-esteem. Any adult might occasionally do any of these things. Doing any or all of them more than once in a while means that a negative approach to discipline has become a habit and urgently needs to be altered before the child experiences low self-esteem as a permanent part of her personality.

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